

June 23, 2003

**VIA U.S. MAIL AND ELECTRONIC MAIL**

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, MA 02110

**RE: D.T.E. 03-63 – E911 Surcharge**

Dear Ms. Cottrell:

Enclosed for filing in the above-referenced matter, please find the Supplement to the Statewide Emergency Telecommunications Board's Petition for Leave to Intervene and Notice of Appearance of Counsel.

Thank you for your assistance in this matter.

Sincerely,

Susan M. Prosnitz  
General Counsel  
Executive Office of Public Safety

Enclosure

cc: Joan Foster Evans, Esq. Hearing Officer

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Investigation by the Department of Telecommunications	)
and Energy to establish a surcharge to recover prudently	)
incurred costs associated with the provision of wireline	)
Enhanced 911 services, relay services for TDD/TTY	) D.T.E. 03-63
users, communications equipment distribution for people	)
with disabilities, and amplified handsets at pay telephones.	)

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**SUPPLEMENT TO PETITION OF THE STATEWIDE EMERGENCY  
TELECOMMUNICATIONS BOARD  
FOR LEAVE TO INTERVENE**

Pursuant to 220 CMR 1.03 of the Rules of Practice and Procedure of the Department of Telecommunications and Energy (“Department”), the Statewide Emergency Telecommunications Board (“SETB”) hereby petitions the Department for leave to intervene as a party in this proceeding. As grounds for its Petition, the SETB states as follows:

1. The SETB is a board within the Executive Office of Public Safety. The SETB’s business address is P.O. Box 156, Reading, Massachusetts 01867.
2. The SETB is responsible for coordinating and effecting the implementation of Enhanced 911 in Massachusetts and for administering the service, including but not limited to the promulgation of technical and operational standards in the design, implementation and operation of public safety answering points that utilize the Enhanced 911 network features.

3. The Department has commenced an investigation to consider the establishment of an interim surcharge and permanent surcharge pursuant to Chapter 239 of the Acts of 2002, G.L. c. 159, § 12(d) and proposed regulations at 220 CMR 16.00 et seq.
4. Under the proposed regulations, the SETB will establish and administer the wireline Enhanced 911 Fund related to enhanced 911 service, dual party TDD/TTY message relay service, and TDD/TTY equipment distribution service in Massachusetts.
5. The SETB intends for the surcharge to be set at a level that will continue to fund these programs and sufficiently recover not only prudently incurred costs associated with these programs, but also prudent capital improvements to be made to the enhanced 911 system.
6. Department regulations require that any person who desires to participate in a proceeding as an intervenor or limited participant file a petition prior to the public hearing, describing the manner in which that petitioner is **substantially** and **specifically affected** by the proceeding. [220 C.M.R. § 1.03\(1\)](#). The Department has broad discretion in ruling on **petitions** to intervene or participate in its proceedings. *Western Massachusetts Electric Company, D.P.U. 92-8C-A* (1993), citing [Attorney General v. Department of Public Utilities, 390 Mass. 208, 216 \(1983\)](#). However, when ruling on such petitions, the hearing officer must consider the Department's procedural rules and balance the interests of the petitioner against the Department's need to conduct each proceeding in a complete, efficient, and orderly fashion.
7. As the agency primarily responsible for the administration of the charges that are the subject of this proceeding, the SETB is substantially and specifically affected.

- Moreover, the SETB's participation and expertise in the area of E-911 systems will ensure that the Department collects all relevant information for its investigation.
8. For the foregoing reasons, the SETB is substantially and specifically affected by the proceedings. The SETB's interests cannot be adequately represented without the SETB granting this petition.
  9. The SETB intends to participate fully in the case and will, as necessary, present analyses, testimony, conduct discovery, cross-examine witnesses, and file briefs to protect its interests.
  10. If SETB's petition is granted, all correspondence and other communications regarding this proceeding should be served on counsel for the SETB.

Wherefore, the SETB requests leave to intervene in the proceeding with all the rights of participation as a full party.

Respectfully submitted,  
STATEWIDE EMERGENCY  
TELECOMMUNICATIONS BOARD

By Its Attorneys,

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**APPEARANCE OF COUNSEL**

Please enter the below listed counsels appearance on behalf of the Statewide Emergency Telecommunications Board in this matter.

Respectfully submitted,

By: \_\_\_\_\_  
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